

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES JUDSON HOLBROOK,

Petitioner,

Case No. 21-cv-11098

v.

U.S. District Court Judge
Gershwin A. Drain

ROBERT VASHAW,

Respondent.

**OPINION AND ORDER DISMISSING PETITION FOR A WRIT OF
HABEAS CORPUS**

Petitioner Charles Judson Holbrook, confined at the St. Louis Correctional Facility in St. Louis, Michigan, filed a petition for compassionate relief. ECF No.

1. The Court will construe the filing as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 because Holbrook challenges his state court convictions. This case was originally filed in the United States District Court for the Northern District of California but was transferred to this Court.¹ For the following reasons, the petition for a writ of habeas corpus is **DISMISSED WITH PREJUDICE**.

¹ Petitioner does not specify his convictions. The Michigan Department of Corrections' Offender Tracking Information System (OTIS), of which this Court is permitted to take judicial notice, *Ward*

Holbrook previously filed a petition for a writ of habeas corpus challenging his convictions out of the Kent County Circuit Court, which was denied on the merits. *See Holbrook v. Rapelje*, No. 2:13-CV-13137 (E.D. Mich. April 1, 2016) (Friedman, J.). Subsequently, Holbrook filed several successive habeas petitions. All of these were transferred to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 2244(b)(3) so that court could determine whether to grant Holbrook permission to file the successive petitions; permission was denied in each case. *See In re Holbrook*, No. 18-2109, 2019 U.S. App. LEXIS 4730 (6th Cir. Feb. 15, 2019); *In re Holbrook*, No. 17-2242, 2018 U.S. App. LEXIS 7196 (6th Cir. Mar. 21, 2018); *In re Holbrook*, No. 17-2327, 2018 U.S. App. LEXIS 7192 (6th Cir. Mar. 21, 2018); *In re Holbrook*, No. 17-1950, 2018 U.S. App. LEXIS 67 (6th Cir. Jan. 2, 2018); *In re Holbrook*, No. 17-1839, 2018 U.S. App. LEXIS 64 (6th Cir. Jan. 2, 2018); *In re Holbrook*, No. 17-1540, 2017 U.S. App. LEXIS 19555 (6th Cir. Oct. 5, 2017); *In re Holbrook*, No. 17-1518, 2017 U.S. App. LEXIS 19045 (6th Cir. Oct. 2, 2017); *In re Holbrook*, No. 17-1444, 2017 U.S. App. LEXIS 19044 (6th Cir. Oct. 2, 2017).

v. Wolfenbarger, 323 F. Supp. 2d 818, 821, n. 3 (E.D. Mich. 2004), indicates that Holbrook was convicted in the Kent County Circuit Court in 2010 of two counts of producing child sexually abusive material, two counts of allowing a child to engage in sexually abusive activity, two counts of possessing child sexually abusive material, accosting a child for immoral purposes, felon in possession of a firearm, and being a third habitual offender. **Error! Main Document Only.**

Holbrook has also repeatedly, and unsuccessfully, attempted to challenge his convictions under 42 U.S.C. § 1983. *See Holbrook v. Pals*, 17-292, 2017 WL 3821487, 2017 U.S. Dist. LEXIS 143300 (W.D. Mich. May 18, 2017); *Holbrook v. Pals*, No. 16-237, 2017 U.S. Dist. LEXIS 143303 (W.D. Mich. Jan. 30, 2017); *Holbrook v. Pals*, No. 16-1151, 2016 WL 7383400, 2016 U.S. Dist. LEXIS 176450 (W.D. Mich. Dec. 21, 2016); *Holbrook v. Redford*, No. 16-829, 2016 WL 6275338, 2016 U.S. Dist. LEXIS 148880 (W.D. Mich. Oct. 27, 2016); *Holbrook v. Pals*, No. 16-118, 2016 U.S. Dist. LEXIS 189409 (W.D. Mich. June 24, 2016); *Holbrook v. Pals*, No. 16-78, 2016 U.S. Dist. LEXIS 189414 (W.D. Mich. May 31, 2016); *Holbrook v. Haehnel*, No. 16-19, 2016 WL 1156598, 2016 U.S. Dist. LEXIS 38207 (W.D. Mich. Mar. 24, 2016); *Holbrook v. Pals*, No. 15-170, 2016 WL 491254, 2016 U.S. Dist. LEXIS 15520 (W.D. Mich. Feb. 9, 2016).

Because of these repeated filings, United States District Court Judge Laurie J. Michelson ruled that Holbrook was an abusive filer. *See Holbrook v. State of Michigan*, No. 2:20-10205 (E.D. Mich. June 15, 2020) (ECF No. 41). Further, Judge Michelson enjoined Holbrook from filing any additional cases in the Eastern District of Michigan unless he obtained permission from the United States Court of Appeals for the Sixth Circuit to file a successive petition or permission from the Chief Judge of this district to file any pleadings which challenge his conviction. *See id.*

Holbrook has failed to obtain the permission required under Judge Michelson's order to proceed with the instant case. He is thus enjoined from filing this petition for a writ of habeas corpus and the petition must be dismissed. *See e.g., Edwards v. Johns*, 450 F. Supp. 2d 755, 757 (E.D. Mich. 2006) (collecting cases); *see also In re Holbrook*, No. 2:21-CV-11487, 2021 WL 4053184, at *2 (E.D. Mich. Aug. 5, 2021).

Accordingly, **IT IS HEREBY ORDERED** that the petition for a writ of habeas corpus is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

s/Gershwin A. Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

Dated: February 28, 2022

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on February 28, 2022, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Case Manager